

**REAL ESTATE BOARD**

**MINUTES OF MEETING**

**February 13, 2007**

The Real Estate Board held an emergency telephone conference meeting on February 13, 2007. The following Board members were present:

R. Schaefer Oglesby, Chairman  
Nathaniel Brown  
Judith L. Childress  
Marjorie Clark  
Carol F. Clarke  
Florence Daniels  
Byrl Taylor

The following Board members were not present: Scott Gaeser and Miles Leon

DPOR staff present for all or part of the meeting included:

Jay DeBoer, Director  
David Ashe, Chief Deputy Director  
Karen W. O'Neal, Deputy Director  
Nick Christner, Deputy Director  
Christine Martine, Executive Director  
David Dorner, Director of Investigations  
Nathan Matthews, Investigator  
Chris Olson, Administrative Assistant

Eric Gregory from the Office of the Attorney General was present.

Chairman Oglesby called the meeting to order at 10:02 AM

**Call to Order**

A determination of quorum was made by roll call. Board members verbally stating present were: Mr. Oglesby, Mr. Brown, Ms. Childress, Ms. Clark, Ms. Clarke, Ms. Daniels, and Ms. Taylor.

**Roll Call**

In the matter of File Number 2007-02675, Real Estate Board v. Koger Management Group, Inc., a motion was made by Mr. Oglesby and seconded by Ms. Daniels that the Real Estate Board meet on an emergency basis to discuss receivership in accordance with Section 54.1-2108 of the *Code of Virginia*. Members acknowledged

**Certification of Meeting**

hearing and understanding the certification of the meeting by stating "Aye." Roll Call "ayes" were recorded as follows: Mr. Oglesby, Mr. Brown, Ms. Childress, Ms. Clark, Ms. Clarke, Ms. Daniels, and Ms. Taylor.

At 10:05 AM. Ms. Clarke made a motion which was seconded by Mr. Oglesby, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Jay DeBoer, David Ashe, Karen O'Neal, Nick Christner, Christine Martine, David Dorner, Nathan Matthews, Chris Olson, and Eric Gregory.

**Closed Session**

This motion is made with respect to the matter(s) identified as agenda item(s):

- **File Number 2007-02675, Real Estate Board v. Koger Management Group, Inc.**

At 10:21 AM., a motion was made by Mr. Brown and seconded by Mr. Oglesby that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification**

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 7-0

AYES Brown, Childress, Clark, Clarke, Daniels, Oglesby, and Taylor

NAYS: None

ABSENT DURING THE VOTE: None

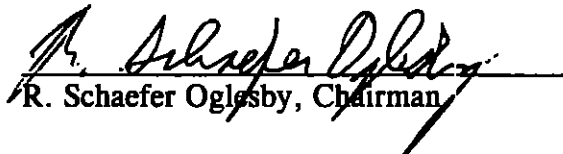
ABSENT DURING THE MEETING: Gaeser and Leon

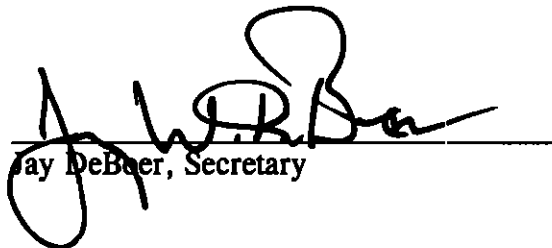
In the matter of **File Number 2007-02675, Real Estate Board v. Koger Management Group, Inc.**, a motion was made by Ms. Clark and seconded by Ms. Clarke that the Real Estate Board delegates the authority to the Department of Professional & Occupational Regulation management to release such funds as needed for costs and fees in this matter from the Real Estate Transaction Recovery Fund during the pendency of this action. Members acknowledged hearing and understanding the motion by stating "AYE." Roll call "ayes" were recorded as follows: Mr. Oglesby, Mr. Brown, Ms. Childress, Ms. Clark, Ms. Clarke, Ms. Daniels, and Ms. Taylor.

**File Number 2007-02675,**  
**Real Estate Board v.**  
**Koger Management**  
**Group, Inc.**

The meeting adjourned at 10:24 AM.

**Adjourn**

  
R. Schaefer Oglesby, Chairman

  
Jay DeBoer, Secretary